REMARKS

Currently, claims 1-10 and 12-48 are pending. Claims 1-10, 12, 14-27, 29-30, 32-35, 37-40 and 42-48 have been amended. Claim 11 has been canceled. Claims 1-45 and 47-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mark Allen Weiss ("Mark et al."). Claim 46 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mark et al. in view of U.S. Patent No.5,303,367 ("Leenstra, Sr. et al."). Based on reasons as set forth below, Applicants respectfully request reconsideration and withdrawal of the claim rejections.

I.   Mark et al. fail to Teach or Suggest "a (Redistribution) Data Structure Having (comprising) a Head..., a Tail... and a Body... Pointers (Pointing) to... Nodes of the (Sorted) Tree Structure " as recited in Amended Independent Claims 1 and 6.

Claims 1 and 6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al. As indicated above, claim 1 has been amended to recite:

> 1. A data structure, comprising:
>   a head... pointer to a first leaf node **of a tree structure separated from the data structure;** .
>   a tail... pointer to a second leaf node **of the tree structure; and**
>   a body... having a set of pointers pointing to contiguously empty nodes **of the tree structure.**

Also, claim 6 has been amended to include the limitations of its dependent claim 11 and recites:

> 6.   A method for rapid insertion of data segments comprising:
> **... a redistribution data structure separate from the sorted tree structure, said redistribution data having**
>   **a head... pointer to a first leaf node of** the sorted tree structure **separated from the data structure,**
>   **a tail... pointer to a second leaf node of the sorted tree structure, and**
>   **a body... having a set of pointers pointing to contiguopusly empty nodes of the sorted tree structure....**

(Emphasis on amended language.)

Support for the subject matter added to claims 1 and 6 is found in the specification on page 8, lines 13-17 and Fig. 3A. Accordingly, no new matter has been added.

To establish a prima facie case of obviousness, the prior art reference must teach or suggest all of the claim limitations. MPEP §2142. Applicants assert that Mark et al. fail to teach

or suggest "*a (redistribution) data structure having (comprising) a head...:, a tail... and a body... pointers (pointing) to... nodes of the (sorted) tree structure* " as recited in claims 1 and 6. Thus, amended independent claims 1 and 6 are not rendered obvious by <u>Mark et al.</u> Accordingly, Applicants submit that claims 1 and 6 are now allowable over <u>Mark et al.</u>

Claims 2-5, 7-10, 12, 14-27, 29-30, 32-35, 37-40 and 42-48 have been amended to correct matters of formality. Thus, no new matter has been added by the amended claims 1-10, 12, 14-27, 29-30, 32-35, 37-40 and 42-48.

Amended claims 2-5 depend from amended independent claim 1. Also, amended claims 7-10 and 12-48 depend from amended independent claim 6. As such, amended claims 2-5, 7-10 and 12-48 include all the limitations of amended independent claims 1 and 6, respectively, rendering them patentable also. For these reasons, Applicants respectfully request that the §103(a) rejections to claims 1-10, 12-45 and 47-48 be withdrawn and that an indication of allowance be made.

II.   Neither <u>Mark et al.</u> nor <u>Leenstra, Sr. et al.</u>, Taken Individually or Collectively, Teaches or Suggests "a Redistribution Data Structure Having a Head..., a Tail... and a Body... Pointers Pointing to... Nodes of the Sorted Tree Structure " such that claim 46 is in condition for allowance.

Claim 46 has been rejected under 35 U.S.C. §103(a) as being unpatentable over <u>Mark et al.</u> in view of <u>Leenstra, Sr. et al.</u>

As described above, amended claim 6, which is the base claim of claim 46, recites:

> 6. A method for rapid insertion of data segments comprising:
> **... a redistribution data structure separate from the sorted tree structure, said redistribution data having**
>   **a head... pointer to a first leaf node of the sorted tree structure separated from the data structure,**
>   **a tail... pointer to a second leaf node of the sorted tree structure, and**
>   **a body... having a set of pointers pointing to contiguopusly empty nodes of the sorted tree structure....**

(Emphasis on amended language.)

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations. MPEP §2142. Applicants assert that none of the cited references, taken individually or collectively, teaches "*... a redistribution data structure having*

a head..., a tail... and a body... pointers pointing to... nodes of the sorted tree structure " as recited in amended claim 6. Thus, amended independent claim 6 is not rendered obvious over Mark et al. in view of Leenstra, Sr. et al.
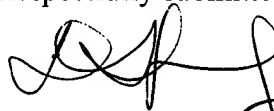
Amended claim 46 depends from amended independent claim 6 and includes all the limitations of amended independent claim 6. As such, claim 46 is not rendered obvious over Mark et al. in view of Leenstra, Sr. et al. For these reasons, Applicants respectfully request that the §103(a) rejections to claim 46 be withdrawn and that an indication of allowance be made.

CONCLUSION

Based on the reasons as set forth above, Applicants respectfully request reconsideration of the claim rejections and allowance on claims 1-10 and 12-48.

In the event that a telephone conference would expedite prosecution of the application, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

Respectfully submitted,

Dated: December 8, 2003

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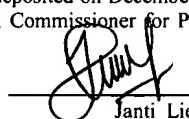
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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on December 8, 2003, with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: December 9, 2003

Janti Lie